## T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			15-Dec-05		APPL. S. N:		09925642	j		
To Exam	iner:		MURPHY, RHONDA	ĺ	Art Unit		2667	j		
From			Jefferson, Henry PARALEGAL SPCECIALIS	T	Return This Memo To: Ca Drop-Off Location	ise	JEF-2D68	j		
SUBJEC	<b>T:</b> Decision	on on Terminal	Disclaimer(T.D.) filed:							
form par or have	agraphs i any quest	identified by th tions, please se	is informal memo in your se me or the Special Prog	next O	ults as set forth below. If ffice action to notify applic aminer. THIS IS AN INFOR RECORD IN THE APPLICATI	ant of t	the T.D. If you disac NTERNAL MEMO ON	gree LY.		
please ir	itial, date	e and return th	is memo to me. THANK Y	ΌU.						
$oldsymbol{\subseteq}$	The T.D.	is PROPER an	d has been recorded (see	14.23)						
	The T.D.	is NOT PROPE	R and has not been accep	pted for	the reason(s) checked be	low (se	e 14.24):			
		The TD fee of use of a depo		ubmitte	d nor is there any authoriz	ation ir	n the application file	for the		
		The T.D. does	not satisfy Rule 321 in t	he inter	person who has signed the est of the business entity 1).					
			s the enforceable only during rejection, Rule 321(b		nmon ownership clause – 1 4.27.01).	needed	to overcome a non-	-statutory		
		The T.D. is di portion of the	rected to a particular clain term of the entire patent	m(s), w t to be o	hich is not acceptable sinc granted" (MPEP 1490) (see	e "the o e 14.26	disclaimer must be f & 14.26.02).	for a terminal		
		The person who signed the T.D.:								
		is no	ot an attorney "of record"	(see 14	1.29 and 14.29.01).					
		has	failed to state his/her cap	oacity to	sign for the business enti	ty (see	14.28).			
		is no	ot recognized as an office	r of the	assignee (see 14.29 & pos	ssible 1	4.29.02).			
		nor is the ree (see 37 CFR 3	l and frame number speci 3.73(b) and 1140 O.G. 72	ified as	title from the original inventor(s) to assignee has been submitted, fied as to where such evidence is recorded in the Office ). NOTE: This documentary evidence or the specifying of the reel and . or in a separate paper of record in the application (see 14.30).					
		The T.D. is no	ot signed (see 14.26 & 14	.26.03).						
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).								
		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).								
		The period dis	sclaimed is incorrect or no	ot specif	ied (see 14.26, 14.27.02 d	or 14.2	6.03).			
		Other:					-	△ ▽		
		Suggestion to and do not ch		36). NO	TE: If already authorized,	credit r	efund to deposit acc	count		
l have a	propriate			the Terr	ninal Disclaimer filed in th	is case.				
Ex.Initial	s:	Date	::				Log Date:			

Application Number		09/925,642	Re		JGHES ET AL.	Mder	
Document Code - DISQ			Internal Documen		cument – DC	nt – DO NOT MAIL	
TERMINAL DISCLAIMER	Þ	] APPROVI	ED		☐ DISAPPI	ROVED	
Date Filed : December 15, 2005	This patent is subject to a Terminal Disclaimer						
Approved/Disapproved b	y:						
Henry D. Jefferson							
					·		
		·					

U.S. Patent and Trademark Office

Attorney Docket: 011765-0274258 Client Reference: DIV2/P7100US/2



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of: HUGHES

Confirmation Number: 5430

ET AL.

Application No.: 09/925,642

Group Art Unit: 2667

Filed: August 10, 2001

Examiner: Murphy, Rhonda L.

Title: COMMUNICATIONS SYSTEM AND METHOD

**RESPONSE** 

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated June 14, 2005, Applicants submit herewith a Terminal Disclaimer disclaiming any patent term above and beyond that of Hughes (U.S. 6,553,020), which is commonly owned with the present application and is this application's parent application. Applicants submit that the double patenting rejection based on Hughes and U.S. 5,475,866 is overcome.

Accordingly, Applicants submit that the present application is in condition for allowance and requests a Notice to that effect be issued. However, if anything further is necessary to place the application in condition for allowance, Applicants request that the Examiner telephone the undersigned representative at the phone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

WINTHROP SHAW PITTMAN LLP

CHRISTINE J. MCCARTHY

Reg. No. 41844

Tel. No. 703 770.7743 Fax No. 703 770.7901

Date: December 8, 2005 P.O. Box 10500 McLean, VA 22102 (703) 905-2000



PTO/SB/26 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
required to respond to a collection of information unless it displays a valid OMB control number. Under the Paperwork Reduction Act of

## TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

Docket Number (Optional)

011765-0274258

In re Application of: PHILIP T HUGHES, et al. Application No.: 09/925,642 Filed: August 10, 2001 For COMMUNICATIONS SYSTEM AND METHOD RADIANT NETWORKS PLC The owner,

100 of \_ percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,553,020 said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on

ti	instant application and is binding upon the grantee, its successors or assigns.
a p	making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the insta blication that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the price tent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patents:
	expires for failure to pay a maintenance fee; is held unenforceable;
	s found invalid by a court of competent jurisdiction;
	s statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
	has all claims canceled by a reexamination certificate;
	is reissued; or
	is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimed
C	eck either box 1 or 2 below, if appropriate.
•	For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
S	I hereby declare that all statements made herein of my own knowledge are true and that all statements made ormation and belief are believed to be true; and further that these statements were made with the knowledge that willful fall terments and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the Unit lates Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.
2	The undersigned is an attorney or agent of record. Reg. No.
	December 8, 2005

Date Signature Christine H. McCarthy, Reg. No. 41844 Typed or printed name 12/12/2005 HALI11 00000027 033975 (703) 770.7743

130.00 DA 01 FC:1414

Telephone Number

X Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card Information should not be included on this form. Provide credit card information and authorization on PTO-2038.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of Information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the included case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



JF

December 8, 2005

2568

PTO/SB/17 (12-04)
Approved for use through 07/31/2006, OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number Effective on 12/08/2004. Complete if Known Fees pursuant to the Consolidated Approriations Act. 2005 (H.R. 4818). 09/925,642 Application Number FEE TRANSMITTAL August 10, 2001 Filing Date for FY 2005 PHILIP T HUGHES First Named Inventor Examiner Name Murphy, Rhonda L Applicant claims small entity status. See 37 CFR 1.27 2667 Art Unit 011765-0274258 TOTAL AMOUNT OF PAYMENT (\$) 130 Attorney Docket No. METHOD OF PAYMENT (check all that apply) Check Credit Card Money Order None Other (please identify): PILLSBURY WINTHROP SHAW Deposit Account X Deposit Account Deposit Account Name: PITTMAN LLP Number: For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) Charge fee(s) indicated below Charge fee(s) indicated below, except for the filling fee Charge any additional fee(s) or underpayment of fees(s)

Credit any overpayments under 37 CFR 1.16 and 1.17 WARNING: Information on this form may become public. Credit Card information should not be included on this form. Provide credit card information and authorization on PTO-2038. **FEE CALCULATION** 1. BASIC FILING, SEARCH, AND EXAMINATION FEES **FILING FEES SEARCH FEES EXAMINATION FEES** Small Entity Small Entity Small Entity Fee Paid (\$) Application Type Fee (\$) Fee (\$) Fee (\$) Fee (\$) Fee (\$) Utility 300 150 199 500 200 100 Design 200 100 100 50 130 65 Plant 200 160 80 100 300 150 Reissue 300 300 150 500 250 **Provisional** 2. EXCESS CLAIM FEES Small Entity Fee (\$) 25 100 ee Description Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent Multiple dependent claims Multiple Dependent Claims
Fee (S) Fee Paid (S) Fee Pald (\$) Indep. Claims Extra Claims
- 3 or HP = Fee Pald (\$) Fee (\$) HP = highest number of independent claims paid for, if greater than 3 3. APPLICATION SIZE FEE If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets

- 100 = //50= //5 for each au..... Total Sheets \_\_ - 100 = Fee Pald (\$) 4. OTHER FEE(S) Fee Paid (\$) Non-English Specificati 30 fee (no small entity discount) Other. Statutory Disclaimed 130.00 Registration No. Telephone 703770.7743 Signature 41844 (Attorney/Agent)

This collection of information is required by 37 CFR/ 36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the complete/depplication form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form add/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commence, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, cell 1-800-PTO-9199 and select option 2.

Christule H. McCarth